

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

NORTH EMERSON-WEST,

Plaintiff,

v.

WALTER W. REDMAN, et al.,

Defendants.

C.A. No. 78-14

213

CONSENT ORDER

The parties, through their respective legal counsel, hereby stipulate and agree, subject to the approval of the Court, as follows:

1. Defendants shall implement the disciplinary procedures set forth in Exhibit "A" at Delaware Correctional Center ("DCC") commencing immediately.
2. By January 1, 1983, defendants shall commence training sessions explaining the disciplinary procedures to all correctional officials at DCC of the rank captain and below. Said training sessions shall be conducted no less frequently than twice each year. After attendance at four such sessions, a correctional official may be excused from further attendance.
3. Persons designated as hearing officers shall be provided with training by a Deputy Attorney General before presiding over hearings. At that time, the hearing officer shall be provided with an instructional pamphlet explaining his/her responsibilities.
4. Plaintiffs and defendants shall create an instructional pamphlet for correctional officers explaining the disciplinary procedures provided in Exhibit "A". The Department of Correction shall provide every present employee, and new employees as they are hired, with a copy of said pamphlet.
5. Upon receipt of a Disciplinary Report, the Hearing Officer will examine the report to determine if it is properly completed. If it is not properly completed, the Hearing Officer will direct the Report to the Unit Manager for the building where the complaining officer works. The Unit Manager will direct the complaining officer to correct the deficiencies in the Report and to return it to the Hearing Officer within seventy-two (72) working hours of the time when the Hearing Officer provided it to the Unit Manager.

If the complaining Officer does not submit the properly completed report within this time, the charges shall be dropped.

6. The Hearing officer shall note on each Disciplinary Report the times when it was delivered to the Building Superintendent and when it was returned to the Hearing Officer.

7. After the Disciplinary Hearing, if there is no appeal, the record of the hearing, together with relevant supporting documents, shall be forwarded to the Security Superintendent. He shall review them to determine whether the procedures in Exhibit "A" were properly followed.

8. If the procedures were not properly followed, the documents will be sent back to the Hearing Officer with appropriate instructions to correct the deficiencies and return the documents to the Security Superintendent.

9. Within thirty (30) days after the final review by the Security Superintendent, photocopies of the Record and supporting documents (defined as all documents relating to the incident which was the subject of the charge) shall be delivered to legal counsel for the plaintiffs.

10. If there is an appeal from the order of a Hearing Officer, within (30) days after action on the appeal, photocopies of the record and supporting documents shall be delivered to legal counsel for the plaintiffs.

11. The provisions in paragraphs 8 and 9 shall remain in effect for one year from the execution of this Order by the Magistrate or the Court, unless plaintiff's counsel requests an extension of time.

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IT IS SO ORDERED this 1-26 day of October, 1982.

*J. Richard Powers*  
UNITED STATES DISTRICT JUDGE  
Magistrate